

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant(s): Richard F. Dean

Conf. No.: 3646

Application No.: 10/786,709

Art Unit: 2618

Filed: February 24, 2004

Examiner:
Dominic E. Rego

Title: REPEATER OSCILLATION PREVENTION

REPLY BRIEF ON APPEAL UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Further to the Examiner's Answer dated April 1, 2011, in connection with the above-identified application on appeal, the Appellants respectfully submit this Reply Brief on Appeal. Please charge any fees or credit any overpayments that may be due with this Brief to Deposit Account No. 17-0026.

REMARKS

Appellants respectfully maintain that claim 22 is statutory within the meaning of 35 U.S.C. §101 for at least the reasons stated in the Appeal Brief dated January 7, 2011, and that the rejection of claim 22 should be reversed.

Review of page 5 of the Examiner's Answer shows that in the sentence of paragraph [0021] describing a "machine readable medium," the word "storing" is shown in bold, while the words "containing or carrying" are not and appear to be disregarded. Paragraph [0021] teaches that the term "machine readable medium" includes *more* than storage media: it includes media capable of "storing, containing or carrying instruction(s) and/or data." As noted previously, a wireless channel is clearly a medium that carries instruction(s) and/or data, and does not store instruction(s) and/or data. The rejection of claim 22 is clearly based on an erroneous interpretation of the language of paragraph [0021].

CONCLUSION

Appellants respectfully request that the Appeal Board withdraw the rejection under 35 U.S.C. §101 for the reasons given above in conjunction with the remarks provided by the Appellants within the Appeal Brief dated January 7, 2011.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 17-0026 for any additional fees required under 37 C.F.R. § 1.16 or 1.17, particularly extension of time fees.

Dated: June 1, 2011

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